

gives to an unfettered executive. One can only wonder if Lincoln would think the “good of the people” has been served by a war that has climbed to more than \$845 billion in direct costs, with a total cost to the U.S. economy estimated by some to be more than \$3 trillion. What good has been served that is worth the more than 4,000 U.S. combat deaths and more than 31,000 U.S. casualties?

S. 1529 is a simple piece of legislation that applies only in the most limited but most important intergovernmental communications—the warmaking power. It prohibits the President, Vice President, and other executive branch officials from deliberately misleading Congress in an effort to persuade the Congress to authorize the use of force by the Armed Forces of the United States.

Officials are not prohibited from being wrong or having incomplete facts, but they may not knowingly and willfully falsify, conceal, or cover up by any trick, scheme, or device a material fact, or make any materially false, fictitious, or fraudulent statement or representation. They may not make or use any false writing or document that they know to contain any materially false, fictitious, or fraudulent statement. If the Congress finds that it has been deceived or lied to, the official can be referred to the Attorney General by either House of Congress for investigation and judicial action, if warranted.

The Executive Accountability Act is limited to executive branch officials only, and only with regard to lying to Congress and only about decisions on the use of force. Therefore, its penalties are unlikely to inhibit the normal flow of intergovernmental communications by creating a fear that any statement made before Congress might result in the threat of prosecution.

To those who say that there are already laws that prohibit individuals from making false statements to Congress, rendering the Executive Accountability Act unnecessary, I urge them to read the history of the False Statements Act, section 1001 of Title 18, U.S. Code.

In 1995, the Supreme Court ruled in *Hubbard v. United States* that section 1001 covered only false statements made to the executive branch, not to the judiciary or to Congress. Congress then moved to reverse the ruling by legislating changes to section 1001 in 1996. However, that bill, as enacted, applies only to administrative matters within Congress and any investigation or review conducted pursuant to the authority of any committee, subcommittee, commission or office of the Congress.

The Executive Accountability Act clarifies the requirement for honest testimony and discussion with the Congress about the most important question debated by Congress and provided by the most authoritative officials of the government.

The Framers were absolutely clear about the warmaking power: they gave the President the authority to lead troops after war was declared and to repel invasions of the United States, but only the Congress could authorize the use of force—the ability to send troops into battle. The Framers were well aware of the dangers inherent in vesting the warmaking decision with a single executive, having the history of the world’s kings and emperors as their foundation.

Our recent history has shown us that a powerful and persuasive executive can, and too often has, used his command of the intelligence and information gathering and dispensing functions of government to paint a distorted picture designed to frighten and sway Congress into ceding even more power to him. Presidents of all political parties have shown themselves to be equally susceptible to the lure of absolute power, making the Executive Accountability Act a non-partisan solution to a deep-seated problem.

S. 1529 restores balance to the system of checks and balances by reinforcing the role of Congress in decisions to use force. Congress does not have millions of civil servants working for it. It does not have its own intelligence community or its own diplomatic corps. Congress must rely upon the executive branch for those missions and for the product of those missions. So Congress must be confident that the information it receives is complete and factual—particularly when that information is used to inform a decision to commit U.S. troops and U.S. treasure to any foreign battlefield. Testimony and communications from the White House and the executive branch must be reliable—not fictional, not distorted, not embellished, not cherry-picked for the purpose of supporting only the decisional outcomes desired by the President.

I urge my colleagues to support S. 1529. It is not retroactive. It will not reach back to affect any statements made by previous administrations. We can learn from the past, make this necessary correction, and move into the future with greater assurance that the most difficult and consequential decisions made by Congress—those involving the use of military force—will be made on the basis of open and frank discussion based on all of the facts.●

#### CONGRESSIONALLY DIRECTED SPENDING ITEMS

Mr. INOUE. Mr. President, I submit pursuant to Senate rules a report, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### DISCLOSURE OF CONGRESSIONALLY DIRECTED SPENDING ITEMS

I certify that the information required by rule XLIV of the Standing Rules of the Senate related to congressionally directed

spending items has been identified in the committee report which accompanies S. 1406 and that the required information has been available on a publicly accessible congressional website at least 48 hours before a vote on the pending bill.

#### VOTE EXPLANATION

Mr. MENENDEZ. Mr. President, I was unavoidably detained for rollcall vote No. 248, passage of H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010. Had I been present, I would have voted “yea.”

#### STENNIS CENTER PROGRAM

Mr. KOHL. Mr. President, for 7 years now, the John C. Stennis Center for Public Service Leadership has conducted a program for summer interns working in congressional offices. This 6-week program is designed to enhance their internship experience by giving them an inside view of how Congress really works. It also provides an opportunity for them to meet with senior congressional staff and other experts to discuss issues ranging from the legislative process to the influence of the media and lobbyists on Congress.

The program is a joint effort of the Stennis Center and a number of current and former senior congressional staff who have completed the Stennis Congressional Staff Fellows leadership program. These Stennis Senior Fellows use their experience and expertise to design the program and to participate in each of the interactive sessions and panel discussions.

Interns are selected for this program based on their college record, community service background, and interest in a career in public service. This year, 21 outstanding interns, most of them juniors and seniors in college, who are working for Democrats and Republicans in both the House and Senate, participated.

I congratulate the interns for their participation in this valuable program, and I thank the Stennis Center and the Senior Stennis Fellows for providing such a unique experience for these interns and for encouraging them to consider a future career in public service.

I ask unanimous consent to have a list of 2009 Stennis congressional interns and the offices in which they work be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Matthew Blake, attending the University of South Dakota, interning in the office of Rep. Stephanie Herseth Sandlin, Jennifer Brody, attending the University of Wisconsin-Madison, interning in the office of Sen. Herb Kohl, Benjamin Eachus, attending Pitzer College of the Claremont Colleges, interning in the House Committee on Science and Technology, Tyler Ernst, attending Michigan State University, interning in the office of Sen. John Barrasso, Susan Gleiser, attending Vanderbilt University, interning